

REMARKS/ARGUMENTS

Claims 1-5, 17 and 49-93 are pending.

The subject matter of Group I has been provisionally elected, which includes claims 1-5, 17, 55-59, 67, 68, 92 and 93. The species of claims 17(d) has been provisionally elected.

Applicants respectfully traverse this restriction and species requirement. This restriction has been made under PCT Rule 13.1 and the examiner argues there is no single general inventive concept. Applicants believe that the standard applied should be the US standard. However, regardless of whether a lack of unity standard has been applied or a restriction under 35 USC 121, applicants request reconsideration of this restriction.

Each of Groups II – IV is drawn to subject matter which is covered by claim 1, from which they depend. Further, these groups as currently drawn contain subject matter which overlaps with the other groups.

Group II is stated to correspond to claims 49-50, drawn to a chimeric Ebola envelope protein comprising a deletion of the complete Ebola signal peptide. These claims are within the scope of claim 1. For example, claims 49 and 50 cover the construct of claim 17(z).

Group III is stated to correspond to claims 51 and 52. These claims are within the scope of claim 1. Claims 51 and 52 cover the construct of, *e.g.*, claims 17(l)-(o), (w)-(ad).

Group IV is stated to correspond to claims 53 and 54. These claims are within the scope of claim 1. These claims cover the construct of, *e.g.*, claims 17(l)-(ad).

As can be readily seen, some of the constructs recited (*e.g.*, those in claim 17) can fall within more than one of these groups I, II, III and IV, making prosecution difficult.

As to Group IV, applicants submit that this subject matter should be retained with the protein claims from which they depend, or at a minimum, the right to rejoinder should be retained.


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Applicants request reconsideration of the restriction requirement in light of the comments provided herein.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper, or credit any overpayment in any fees, to our Deposit Account, Number 08-3040.

Respectfully submitted,

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